

CASE NUMBER: 034252/2022

**AFFIDAVIT OR AFFIRMATION IN SUPPORT (Motion #003) - Affirmation of Matthew R. Torsiello 2-21-2023**Document prepared for:  
kevin barlow**CASE NAME**Rosemarie Mckinnis Est Of, Kathleen Mckinniss, Carin  
Rosado, James Finn Est Of, Geraldine Finn Exr v. Ecohealth  
Alliance Inc, Peter Daszak, Janet D Cottingham Aka, Janet  
Dasz...**DOCUMENT FILED DATE**

Feb. 21st, 2023

**CASE FILING DATE**

Oct. 5th, 2022

**COUNTY**

Rockland county, NY

**JUDGE**

Sherri L Eisenpress

**CATEGORY**

Torts - Environmental (SARS-COV-2)

**STATUS**

Active

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

**IN RE SARS-CoV-2;**

KATHLEEN MCKINNISS, PROPOSED  
REPRESENTATIVE OF THE ESTATE OF  
ROSEMARIE MCKINNISS, DECEASED; CARIN  
ROSADO, individually; and GERALDINE FINN, AS  
EXECUTOR OF THE ESTATE OF JAMES FINN,  
DECEASED, DAVID CADDON, EXECUTOR OF  
ESTATE OF PATRICIA MARIE CADDON,  
DECEASED; MELANIE SMITH, EXECUTRIX OF  
ESTATE OF ROBERT SENDZISCHEW,  
DECEASED; KIMBERLY J. LEWIS, EXECUTRIX  
OF ESTATE OF ROBERT F. LEWIS, DECEASED;  
LISA PETER, PROPOSED REPRESENTATIVE OF  
ESTATE OF PATRICIA A. CHISLETT,  
DECEASED; and ROXANNE JONES, PROPOSED  
REPRESENTATIVE OF ESTATE OF DALE JONES,  
DECEASED,

Plaintiffs,

v.

ECOHEALTH ALLIANCE, INC., PETER DASZAK,  
JANET D. COTTINGHAM a/k/a JANET DASZAK,  
RALPH BARIC, W. IAN LIPKIN, and JOHN  
AND JANE DOES 1-1000,

Defendants.

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**AFFIRMATION OF  
MATTHEW R. TORSIELLO  
IN SUPPORT OF MOTION  
TO DISMISS THE  
COMPLAINT**

MATTHEW R. TORSIELLO, an attorney duly admitted to practice law before the Courts  
of the State of New York, affirms the following under penalty of perjury:

1. I am a member of the Bar of the State of New York and of Tarter Krinsky & Drogin,  
LLP, attorneys for Defendants Peter Daszak, Janet D. Cottingham a/k/a/ Janet Daszak, and  
EcoHealth Alliance, Inc. ("Defendants"). I am fully familiar with the facts and proceedings  
asserted herein. I make this Affirmation in support of Defendants' motion for an Order dismissing  
the Complaint of Plaintiffs Kathleen Mckinniss, Proposed Representative of the Estate of

Rosemarie Mckinniss, Deceased; Geraldine Finn, as Executor of the Estate of James Finn, Deceased; David Caddoo, Executor Of Estate Of Patricia Marie Caddoo, Deceased; Melanie Smith, Executrix of Estate Of Robert Sendzischew, Deceased; Kimberly J. Lewis, Executrix of Estate of Robert F. Lewis, Deceased; Lisa Peter, Proposed Representative of Estate of Patricia A. Chislett, Deceased; Roxanne Jones, Proposed Representative of Estate of Dale Jones, Deceased; and Carin Rosado (“Plaintiffs”), with prejudice.

2. Plaintiffs commenced this action on October 05, 2022, by filing a Summons and Complaint in the Supreme Court, Rockland County. (NYSCEF # 1-16).

3. On October 27, 2022, the parties entered into a stipulation extending Defendants’ time to respond to the Complaint to December 9, 2022. (NYSCEF # 31).

4. On January 4, 2023, Plaintiffs filed the operative Verified Amended Complaint (NYSCEF # 36-61). A copy of the Complaint, dated January 4, 2023, is attached hereto as **Exhibit A**.

5. On January 27, 2023, the parties entered into a stipulation extending Defendants’ time to file a responsive pleading to February 20, 2023. (NYSCEF # 62). A true and correct copy of the September 27, 2021 Stipulation is attached hereto as **Exhibit B**.

6. On February 17, 2023, Plaintiffs’ counsel confirmed that as a matter of law that Defendants’ time to respond to the Complaint was extended by one day to the next business day.

7. Accordingly, this motion is timely filed.

**WHEREFORE**, it is respectfully requested that this Court enter an Order granting Defendants' motion and dismissing Plaintiffs' Complaint, with prejudice and awarding such other and further relief as this Court deems just and proper.

Dated: February 21, 2023  
New York, NY



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MATTHEW R. TORSIELLO